

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Ordinance No. TLS 00-05-38

Ordinance Amending the Douglas)
County Development Regulations) LAND SERVICES

WHEREAS, Douglas County has adopted a Comprehensive Plan pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which covers all unincorporated areas within Douglas County, through a series of planning area Comprehensive Plans which were found to be consistent with each other and with the adopted GMA plans of adjoining jurisdictions; and

WHEREAS, the substantive and procedural components of the Comprehensive Plan have been reviewed by the Washington State Department of Community, Trade, and Economic Development and found to be in compliance with the Act; and

WHEREAS, the substantive and procedural components of the Comprehensive Plan have been reviewed by the Eastern Washington Growth Management Hearings Board and found to be in compliance with the Act; and

WHEREAS, this Board, upon recommendation of its Planning Commission, adopted Ordinance TLS 97-10-71B implementing the comprehensive plan through development regulations; and

WHEREAS, Chapters 36.70 and 36.70A RCW authorize the adoption of development regulations governing land use activities; and

WHEREAS, the Douglas County Regional Planning Commission has transmitted a recommendation to this Board regarding the amendment of the development regulations implementing the comprehensive plan; and

WHEREAS, notice of all public hearings and public meetings on this matter have been published according to law.

NOW, THEREFORE, the Board of County Commissioners hereby accepts the Findings of Fact adopted by the Douglas County Regional Planning Commission attached hereto as Exhibit A, entering those findings into the record as their own and incorporating them in this ordinance by this reference as though fully set forth herein.

BE IT FURTHER hereby resolved and ordained that the recommendation of the Douglas County Regional Planning Commission is accepted and the Douglas County Code is amended as fully set forth in the attached Exhibit B and incorporated by this reference as though fully set forth herein.

This ordinance shall be effective immediately.

ADOPTED AND ORDAINED this 24th day of July 2000.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

_____/S/_____
Dane Keane, Chair

_____/S/_____
Mary Hunt, Vice Chair

_____/S/_____
Leslie K. Emerick, Commissioner

ATTEST:

_____/S/_____
Marilyn Northrup, Clerk of the Board

Exhibit A
Ordinance No. TLS 00-05-38
Findings of Fact

- 1) The draft development regulations implementing the adopted Douglas County Comprehensive plan have been prepared in accordance with the requirements set forth in Chapter 36.70 and 36.70A RCW, the Growth Management Act.
- 2) The adopted Douglas County Comprehensive Plan includes all areas within the unincorporated areas of Douglas County within the airport influence area as described on the zoning map attached here to. The area is generally located within the Greater East Wenatchee Area in portions of Township 22 North, Range 20 & 21 East, WM., Douglas County, Washington
- 3) The AP-O Airport Overlay district was a joint project by the Pangborn Memorial Airport Board, Port of Douglas County, Port of Chelan County and Douglas County.
- 4) A sixteen member advisory committee was appointed to study the Pangborn Memorial Airport aviation related issues and to make recommendations to protect the airport and reduce hazards that may endanger the lives and property of the public.
- 5) The Douglas County Regional Planning Commission is responsible for providing implementation measures to assure compliance with the comprehensive plan for unincorporated areas of Douglas County. These measures include zoning ordinances, environmental regulations, development standards, legislative defined and enacted policies, standards and other rules, actions or regulations deemed necessary to implement the Comprehensive Plan.
- 6) Pursuant to Chapter 36.70A.140 RCW Douglas County did establish and provide opportunities to the public, local and state jurisdictions and agencies for early and continuous public participation in the drafting of the development regulations implementing the Comprehensive Plan. Procedures included the opportunity for oral and written comment public meetings, open houses, and public hearings by providing legal notice and mailings to the public and affected agencies.
- 7) The Airport Advisory Committee held six public workshops to develop and take public comment on the proposed regulations. Each workshop was preceded by a public service announcement to the media.
- 8) On June 8, 2000, the committee held a public open house and workshop before the Ports of Douglas and Chelan County to present their recommendations. Public service announcements were sent to all radio and newspapers within the Greater Wenatchee Area. On May 31, 2000, legal

notices were printed within the legal ads of the Wenatchee World and Empire Press and public notices were sent to people within 5,000 feet of the airport runways and to aviation users. In all, 331 notices were mailed through the U.S. Postal Service.

- 9) Pursuant to Chapter 36.70 and 36.70A RCW the draft development regulations, SEPA determination and supporting documentation was sent to the Washington State Department of Community Trade and Economic Development and local and state jurisdictions and agencies for a 60 day review. The 60-day review began on March 8, 2000 and ends on July 10, 2000.
- 10) An environmental review was conducted in accordance with the State Environmental Policy Act, as amended and on June 5, 2000, a determination of nonsignificance was issued pursuant to WAC 197-11-960 and the DCC Title 19 "Environment".
- 11) The Douglas County Regional Planning Commission issued a Notice of Hearing on June 8, 2000, for the Public Hearing scheduled for June 21, 2000. The Notice of Hearing was published in the Empire Press and Wenatchee World according to law.
- 12) The Douglas County Regional Planning Commission mailed a Notice of Hearing on June 7, 2000, for the Public Hearing scheduled for June 21, 2000, to all persons requesting notice, local/state jurisdictions and agencies, adjacent jurisdictions, and the media.
- 13) On June 15, 2000, public notices were sent to people within 5,000 feet of the airport runways and to aviation users. In all, 331 notices were mailed through the U.S. Postal Service.
- 14) The Douglas County Regional Planning Commission held a duly advertised public hearing on June 21, 2000, as provided in the Notice of Hearing.

Conclusion: The Douglas County Regional Planning Commission have reviewed and considered the entire record before them including the comprehensive plan, supporting documentation from the Pangborn Memorial Airport Master Plan, Federal Aviation Regulations Parts 77 Imaginary Surfaces, National Transportation Safety Board recommendations, all written and oral public testimony, and agency comments as it relates to the proposed development regulations and has concluded that the best interest of the general public as well as their health, safety, and welfare would be met by recommending approval of the attached draft development regulations, maps and graphics to the Board of County Commissioners.

Exhibit B
Ordinance No. TLS 00-05-38
Amendments to the Douglas County Code (DCC)

Amendment #1 - Add new section:

Section 14.98.642 Public Assembly.

“Public Assembly” means permanent or temporary uses or events, which concentrate people in either buildings or outside into compact areas. Uses and events include, but are not limited to, outdoor religious or entertainment events, sporting events, carnivals, circus and other similar uses or events as determined by the review official.

Amendment #2 - Add new chapter:

CHAPTER 18.65
AP-O AIRPORT OVERLAY DISTRICT

Section:

18.65.010 Purpose
18.65.020 Statutory Authority
18.65.030 Applicability
18.65.040 Exemptions
18.65.050 General Standards
18.65.060 General Review Procedures
18.65.070 Site Plan Requirements
18.65.080 Airspace/Accident Potential Surfaces

18.65.010 PURPOSE

The purpose of the Airport Overlay (AP-O) district is to protect the viability of the Pangborn Memorial Airport as a significant resource to the community by encouraging compatible land uses, densities and reducing hazards that may endanger the lives and property of the public and aviation users. The AP-O classification identifies a series of imaginary surfaces and safety zones within the airport influence area that have historically been prone to hazards associated with aircraft and airports. This chapter is based on aircraft accident data from the National Transportation Safety Board (NTSB) and the Federal Aviation Regulations (FAR) Part 77 Imaginary Surfaces. As the name implies, this classification is laid over the existing Douglas County zoning districts. Densities and land use requirements of the underlying zoning districts are consistent with the NTSB standards and provide for maximum protection

to the public, health, safety and general welfare of the community and for those citizens working and residing within the airport influence area.

18.65.020 STATUTORY AUTHORITY

This chapter is adopted pursuant to RCW 36.70 and 36.70A, which require a county to enact development regulations within its jurisdiction to discourage the siting of incompatible land uses adjacent to general aviation airports for the purposes of promoting the public health, safety, and general welfare of County residents and aviation users.

18.65.030 APPLICABILITY

The provisions of this Chapter shall apply to all lands, buildings, structures, natural features or uses located within those areas that are defined by the AP-O Airport Overlay District designated on the Official Douglas County Zoning Map.

18.65.040 EXEMPTIONS

The following structures, uses or other activities are exempt from the provisions of the AP-O district when permitted in the underlying zoning district:

- A. **Height.** Any structure or object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height and would be located in an area of established development where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation or penetrate the FAR Part 77 Surfaces.
- B. **Necessary Aviation facilities.** Any air navigation facility, airport visual approach or, aircraft arresting device, or meteorological device, or a type of device approved by the FAA, the location and height of which is fixed by its functional purpose.
- C. **Temporary Uses.** Temporary uses including but not limited to: circus, carnival or other outdoor entertainment events and religious assembly, so long as the period of operation does not exceed five days, except as otherwise prohibited herein.
- D. **Nonconforming Uses:** A use, lot, building or structure which legally exists prior to the effective date of this chapter is considered nonconforming and therefore is exempt, except as may be compelled by state or federal regulations. The use, lot, building, or structure must adhere to the regulations prescribed in DCC Chapter 18.82 "Nonconforming Uses" and 18.65.050(F), provided that no building, structure or use shall be so changed as to result in a greater degree of nonconformity with respect to this chapter.
- E. **Agricultural Uses:** Non-residential agricultural uses, structures, and/or buildings, provided that the use will not penetrate the airspace within the AP-O district safety zones, the FAR Part 77 surfaces or otherwise create a safety impact as determined by the review official.

- F. **Other Uses:** Other uses may be exempt when determined by the review authority to be minor or incidental in nature and within the intent of this chapter.

18.65.050 DEVELOPMENT STANDARDS

The following criteria shall be applied within the boundaries of the AP-O district:

- A. No use shall be made of any land that will cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft.
- B. No use, building or structure shall emit emissions of fly ash, dust, vapor, gases or other forms of emissions that may conflict with any planned operations of the airport.
- C. No use shall be permitted that would foster an increase in bird population and thereby increase the likelihood of a bird impact problem.
- D. No structure, device or other object shall be placed or erected that makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airports, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
- E. Except as necessary and incidental to airport operations, no building, structure or object of natural growth shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces.
- F. No use, building, or structure shall be permitted within the Runway Protection Zone 1, the Inner Safety Zone 2 or the Inner Turning Zone 3 that promotes large concentrations or bulk storage of flammable substances or materials.
- G. The public assembly of people and other uses or activities that allow public concentration of people such as multi-family, hospitals, schools, churches, schools, etc... shall be prohibited within the Runway Protection Zone 1, Inner Safety Zone 2 or Inner Turning Zone 3.
- H. No use, building, or structure shall be permitted or constructed within the Runway Protection Zone 1, except accessory activities such as off-street parking facilities; stormwater detention facilities; low growing landscaping; mini-storage; agricultural storage buildings and/or other similar activities as approved by the review authority.
- I. Family Farm Support divisions; Ag to Ag transfers having a remainder less than 10 acres in size; or Accessory Agricultural Housing shall be prohibited within the Runway Protection Zone 1 and Inner Safety Zone 2.
- J. Single family dwellings lawfully permitted and established within the AP-O District prior to the adoption of this chapter may be maintained, repaired, or reconstructed in accordance with the provisions of this chapter, provided the dwelling meets the applicable standards of the DCC. Permit applications under this subsection are not subject to the procedures of DCC Section 18.82.080.

- K. Other uses or activities determined to be incompatible with aviation and aviation safety as determined by the review authority shall be prohibited.
- L. A note shall be recorded with the County Auditor for each lot when subdivision, short subdivision, binding site plan, building permit or other development activity is located within the Horizontal Surface and those areas identified as "Natural Obstructions" on the Overlay Map. Additionally, the note shall specifically state when properties are located within the Approach surfaces of the airport runways. The statement shall essentially read as follows:

“The subject property is located within an Airport Overlay district in which a variety of aviation activities occur. Such activities may include but are not limited to noise, vibration, chemicals, odors, hours of operation and other associated activities.”

18.65.060 GENERAL REVIEW PROCEDURES

No use, building, structure, or development activity shall be established, altered or relocated by any person, firm or corporation, except as otherwise authorized by this chapter and shall be processed in accordance with applicable provisions of the underlying zone, and the following:

- A. Land use applications within any portion of the AP-O district shall be subject to the prescribed review of Title 14 of the Douglas County Code.
- B. The review authority may require the applicant to submit either or both of the following:
 - 1) A certificate from an engineer or land surveyor, that clearly states that no airspace obstruction, will result from the proposed use.
 - 2) The maximum elevation of proposed buildings or structures based on the established airport elevation and NAVD 1988-reference datum. Elevations shall be determined by an engineer or a land surveyor.

18.65.070 SITE PLAN REQUIREMENTS

An application for a building, structure, use, subdivision, short subdivision, binding site plan or other development activity shall submit the following information in addition to application materials required as set forth in the DCC.

- A. The site plan shall clearly delineate the location of the project to the Runway Protection Zone 1, Inner Safety Zone 2, and/or Inner Turning Zone 3 as described in Section 18.65.080.
- B. The location and height of all proposed buildings, structures, and natural vegetation as measured from the airport surface and when located within the following:
 - 1) Runway Protection Zone 1; Inner Safety Zone 2, and/or Inner Turning Zone 3;
 - 2) Horizontal and Conical Surfaces identified as a natural obstruction; and

- 3) Building or structures that exceed a height of thirty-five feet (35) when located in any other accident safety zone or FAR Parts 77 imaginary surfaces not described in subsection A and B.

18.65.080 AIRSPACE/ACCIDENT POTENTIAL SURFACES:

In order to carry out the purpose and intent of the AP-O district as set forth herein, and also to restrict those uses that may be hazardous to the operational safety of aircraft operating within the airport influence area, there are hereby created and established the following air space and land use safety surfaces for Runways 12-30 and 7-25:

Aircraft Accident Safety Zones

- 1) **Runway Protection Zone 1:** This zone begins from the outer boundaries of the primary surface, 200 feet from the end of the runways and extends out 1,700 feet to its widest point, which measures 1010 feet across, 505 feet on either side of the runway centerline.
- 2) **Inner Safety Zone 2:** This zone begins at the end of the Runway Protection Zone and extends out 2,800 feet. The zone measures 1000 feet across, 500 feet on either side of the runway centerline.
- 3) **Inner Turning Zone 3:** This zone begins at the primary surface, 200 feet from the end of the runway centerline and extends out with a 60 foot radius arc on either side of the runway centerline to 4,500 feet and connects to the centerline of the Inner Safety zone with sweeping arcs.

Federal Aviation Regulations (FAR) Parts 77 Imaginary Surfaces

- 1) **Primary Approach/Departure Surface:** The approach area is all that land which lies directly under an imaginary approach surface longitudinally centered on the runway, extending 200 feet beyond the paved threshold of the runway in each direction.
 - (a) Precision Instrument Runway 12-30. Runway 12-30's primary surface measures 1,000 feet across because it is a precision instrument runway.
 - (b) Visual approach Runway 7-25. Runway 7-25's primary surface measures 250 feet across because it is a visual approach runway.
- 2) **Approach Surface:** Inclined planes extending upward and outward from the ends of the primary surface.
 - (a) Precision Instrument Runway 12-30. The precision approach is a 50,000-foot-long trapezoid that is 1,000 feet wide at the point where it meets the primary surface. It has a 50:1 slope for the first 10,000 feet and a slope of 40:1 for the remaining 40,000 feet. The approach surface is 16,000 feet wide at the outermost point.

- (b) Visual approach Runway 7-25. The approach surfaces are 250 feet wide at the intersection with the primary surface. It extends outward for a distance of 5,000 feet at a 20:1 slope and is 1,250 feet wide at the outermost point.
- 3) **Horizontal Surface:** A horizontal surface is 150 feet above the established airport elevation and begins by swinging arcs of 5,000 feet from the center-end of the primary surface creating an elongated oval above the runway. The precision Instrument runway 12-30, extends to a maximum length of 10,000 feet.
- 4) **Transitional Surface:** The transitional surface begins on either side of the primary surface and slopes upward and outward at a 7:1 slope meeting the horizontal surface at 150 feet above the elevation of the airport. This surface is also connected to the approach surface at both ends of the runway at a slope of 7:1.
- 5) **Conical Surface:** The conical surface begins at the edge of the horizontal surface and extends upward and outward for a distance of 4,000 feet at a slope of 20:1 with an initial elevation of 150 feet above the airport elevation.

Amendment #3 - Amend the "Zoning Map of Douglas County" (DCC 18.14.010) in accordance with the attached maps.
